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U.S. DISTRICT COURT
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C/PVT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEDRO LAVARIAS and NIEVES
LAVARIAS,

Plaintiffs,

vs.

JAYDENE BARROGA and EDGAR.
BARROGA ,

Defendants.

Case No. C 07 02660 PVT

**CASE MANAGEMENT CONFERENCE
STATEMENT**

Date: 8/21/07
Time: 2:00 P.M.

Pursuant to Northern District Court Rule 16.1, Plaintiffs by and through their counsel submit this Case Management Statement.

JURISDICTION

This court has jurisdiction over Plaintiffs' claims based on diversity of citizenship.

Venue is properly in this court because Defendants' acts occurred in Santa Clara County.

SUBSTANCE OF THE ACTION

Plaintiffs' claims against Defendants stem from Defendants misappropriation of the sales

1 proceeds of Plaintiffs' Santa Clara County home and fraud which occurred in Santa Clara County
2 when Defendants represented they would take the sales proceeds and use them to purchase two
3 homes in Las Vegas, Nevada for the benefit of Plaintiffs. Defendants did not abide by their
4 representations, instead Defendants used the money for their own benefit in purchasing a home for
5 themselves.
6

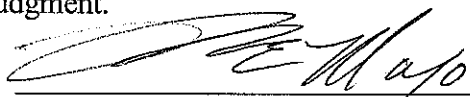
7 STATUS OF THE ACTION

8 Defendants have not Answered this Complaint, although they have been properly served.

9 Plaintiffs and Defendants have reached in principal a settlement although there is no
10 guarantee the Defendants will sign the settlement agreement which has been forwarded on this date.
11 It is anticipated Defendants will sign the Agreement and execute documents necessary for
12 consummate of settlement which consist of a Promissory Note secured by Deed of Trust on the Las
13 Vegas property.
14

15 Should Defendants not execute documents Plaintiffs will take their default. These
16 documents should be delivered to Plaintiffs' counsel within thirty days. It is therefore requested this
17 matter be continued for a period of sixty days. Within this sixty-day period Plaintiffs' counsel will
18 either obtain dismissal or a Default Judgment.

19 Dated: August 13, 2007

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Frank E. Mayo, Attorney for Plaintiffs